

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

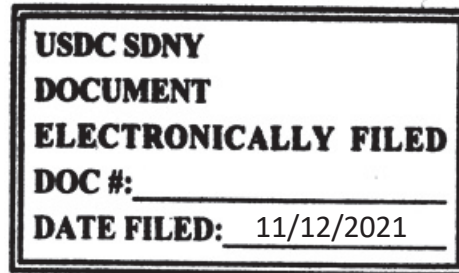
Federal Election Commission,

Plaintiff,

-against-

LatPAC et al.,

Defendants.



1:21-cv-06095 (ALC) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Following a telephone conference, for which only Plaintiff appeared, it is hereby Ordered as follows:

1. Defendant LatPAC has until December 15, 2021 to appear by counsel. Defendant LatPAC is advised that an artificial entity cannot appear *pro se* in this Court. *See In Re: Terrorist Attacks on Sept. 11, 2001*, No. 03-MDL-1570 (GBD) (FM), 2016 WL 1377129, at *2 (S.D.N.Y. Feb. 22, 2016), *report and recommendation adopted*, 2016 WL 3866576 (S.D.N.Y. July 13, 2016) (“artificial entities are not permitted to appear in federal court without counsel”) (citing *Rowland v. Cal. Men’s Colony*, 506 U.S. 194, 201-02 (1993) (“It has been the law for the better part of two centuries . . . that a corporation may appear in federal courts only through licensed counsel. As the courts have recognized, the rationale for that rule applies equally to all artificial entities.”) (citations omitted)).¹ Thus, if LatPAC does not appear by counsel, a default may be entered

¹ Nor may Defendant Askew represent LatPAC. *See, e.g., See, e.g., Pridgen v. Andresen*, 113 F.3d 391, 393 (2d Cir. 1997) (“appearance *pro se* denotes (in law Latin) appearance for one’s self; so that a person ordinarily may not appear *pro se* in the cause of another person or entity.”).

against it. *Cf. McFarlane v. Harry's Nurses Registry*, No. 17-CV-06350 (PKC) (PK), 2020 WL 1643781, at *15 (E.D.N.Y. Apr. 2, 2020) (corporate defendant's failure to obtain counsel is failure to "otherwise defend" under Federal Rule of Civil Procedure 55(a)).

2. The purported Answer filed by Defendant Askew on November 2, 2021 is defective, as it does not respond to the allegations in the Complaint. (*Compare* Compl., ECF No. 1 (containing 46 numbered paragraphs) *with* Answer, ECF No. 18 (responding to 24 numbered paragraphs).) Accordingly, Defendant Askew shall file a new responsive pleading no later than December 15, 2021.
3. The parties are directed to appear for a telephone conference on January 4, 2022 at 2:00 p.m. At the scheduled time, the parties shall each separately call (888) 278-0296 (or (214) 765-0479) and enter access code 6489745. Defendant Askew is reminded that he must comply with all Court orders and failure to do so, including by failing to appear for future conferences, may result in the imposition of sanctions, up to and including a recommendation to the District Judge that a default judgment be entered against him.

Defendant Askew is reminded that there is a legal clinic in this District to assist people who are parties in civil cases and do not have lawyers. The Clinic is run by a private organization called the New York Legal Assistance Group; it is not part of, or run by, the Court. The Clinic is open on weekdays from 10:00 a.m. to 4:00 p.m., except on days when the Court is closed. Due to COVID-19, the Clinic currently is providing assistance only by appointment and only over the telephone. An unrepresented party can make an appointment by filling out the intake form on

the Court's website, see <https://nysd.uscourts.gov/attorney/legal-assistance>, or by calling 212-659-6190 and leaving a message.

SO ORDERED.

DATED: New York, New York
November 12, 2021

A handwritten signature in black ink, reading "Stewart D. Aaron". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

STEWART D. AARON
United States Magistrate Judge